

HONOURABLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION Nos.894, 4607, 5100 and 5140 of 2016

COMMON ORDER:

1. These four Writ Petitions are being disposed of by this common order as they involve similar point for consideration by this Court.

2. It is the case of the petitioners that they were appointed as Cooks (except the petitioner in W.P.No.5100 of 2016, who was appointed as an attender) through regular process of selection in the 6th respondent Vidyalayam on different dates in the years 2005, 2011 and 2014 and their appointments were being renewed from time to time. When the 5th respondent issued common proceedings on 03.09.2015 terminating their services, they filed the present writ petitions.

3. This Court by orders dated 18.01.2016, 13.06.2011, 17.02.2016 and 18.02.2016 respectively granted interim suspension of the impugned common order of termination.

4. Now, W.V.M.P.Nos.927, 838, 928 and 962 of 2016 are filed seeking vacation of the aforesaid interim order along with counter-affidavits. It is stated in the counter-affidavits that a notification was published inviting applications for the post of teaching and non-teaching staff in the 6th respondent Vidyalayam and the petitioners were selected by the District Selection Committee on 11 months contract for the academic year 2005-2006. Thereafter, the

Government issued a circular on 20.06.2013 directing the 6th respondent Vidyalayam to out-source the agency selected by the District Collector. In view of the said circular, all the teaching and non-teaching staff of the 6th respondent Vidyalayam were engaged through outsourcing agency, namely, Sri Balaji Services, Ananthapuram. An untoward incident took place in KGBV, Putluru, wherein a 10th standard student delivered a baby girl in the school campus and accordingly action was taken against the Special Officer, ANM and three other non-teaching staff, who were negligent in discharging their duty. The very purpose of establishment of the school was defeated by such incident. A decision was taken to terminate all the non-teaching male candidates and though the petitioners were not concerned with the said issue, their services were terminated and were replaced with the eligible female candidates. The proceedings were issued by the 5th respondent to the said out-sourcing agency to replace the petitioners with the eligible female candidates on 01.11.2015 itself. Accordingly, the female candidates who were appointed in place of the petitioners have been discharging their duties with effect from 01.11.2015. The main object of establishment of Kasturba Gandhi Balika Vidyalayas is to encourage girl students of orphan, single parent and deprived categories for education and provide them security and healthy atmosphere. It was also stated that the 6th respondent Vidyalayam comes under the control of the 2nd respondent and it is open to the petitioners to approach him by

making representations to consider their cases in any of the boy's residential hostels provided their services are required by them.

5. It is clear from the above facts that the petitioners have been continuing for the last 10 years and though they were not connected with the incident that took place in the 6th respondent Vidyalayam, their services were terminated in order to replace them by the female candidates with effect from 01.11.2015.

6. In view of the averments made in the counter-affidavits, these four Writ Petitions are disposed of giving liberty to the petitioners to submit representations to the 2nd respondent to consider their cases for accommodating them in any of the boy's residential hostels depending on the requirement of the services. The petitioners are given two weeks time from the date of disposal of the writ petitions to submit such representations and the 2nd respondent shall consider the same within three months thereafter. No order as to costs. Miscellaneous petitions, if any, pending shall stand closed.

A.RAMALINGESWARA RAO, J

12-09-2016
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